

# Planning Development Management Committee

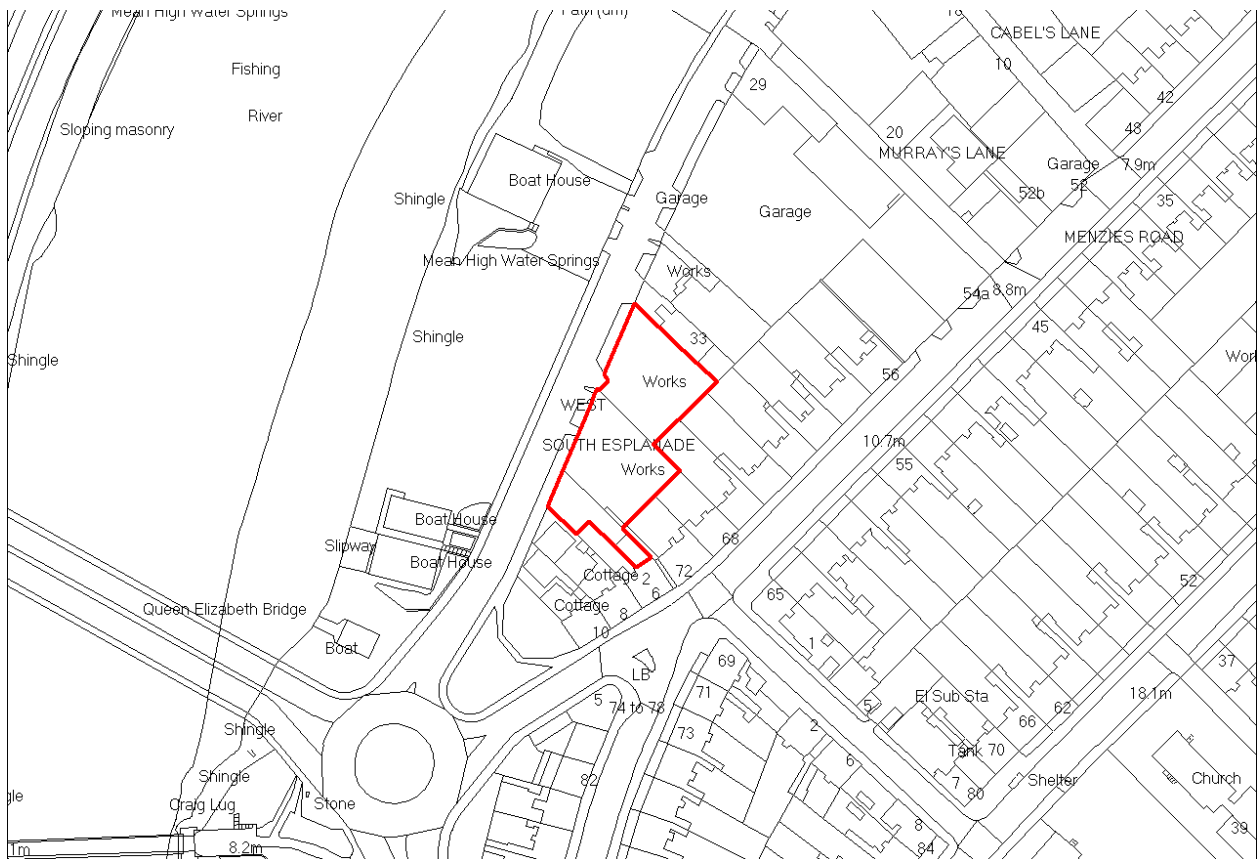
34-36 SOUTH ESPLANADE WEST, TORRY

DEMOLITION OF EXISTING BUILDING,  
ERECTION OF 4 STOREY OFFICE  
DEVELOPMENT WITH ASSOCIATED ACCESS  
AND CAR PARKING

For: Robertson Construction Eastern Ltd

Application Type : Detailed Planning Permission  
Application Ref. : P131118  
Application Date: 07/08/2013  
Officer: Paul Williamson  
Ward : Torry/Ferryhill (Y Allan/A Donnelly/J Kiddie/G Dickson)

Advert :  
Advertised on:  
Committee Date: 28 November 2013  
Community Council : No response received



## RECOMMENDATION:

**Approve subject to conditions**

## **DESCRIPTION**

The site to which this application relates comprises a vacant fish processing factory, located to the south east corner of South Esplanade West. The existing building has been extended over time. The east-most section has two storeys to the road frontage. The materials include a brick basecourse, with profiled metal sheet cladding above, finished blue. Other parts of the building include white painted render walls, and corrugated sheeting to the roofing. A small area of yard is located to the western edge of the site, which leads to a small timber garage at the south corner of the site.

In respect of neighbouring land uses, there are two storey flatted properties of traditional construction to the south. To the west is a childrens playpark, with Boat Houses either side, and the River Dee beyond. To the north are a number of industrial/business premises, some of which are vacant. Immediately adjacent to the site is a small building utilised by a Tae Kwon-Do Club. To the east are the tenement flats along Menzies Road. They are of traditional construction, and are 2 ½ storeys to the frontage, with additional accommodation at basement level.

In relation to ground levels, the land falls very slightly from south to north, while the land rises up from west, to east (over approximately 2.5 metres within the site).

## **RELEVANT HISTORY**

None relevant to this application.

## **PROPOSAL**

Full Planning Permission is sought for the erection of a 4 storey office block with 2250 square metres of office accommodation on this irregular shaped site on South Esplanade West approximately 100 metres from the Queen Elizabeth Bridge. The submitted plans show the proposed offices being (at its nearest point) 18 metres from the rear face of the adjacent tenement blocks, and a total of 7 metres from the mutual boundary

The office block itself would cover a footprint of 672 square metres (48 x 14 metres) on this 1820 square metre site. A total of 47 car parking spaces would be provided, as well as additional motorcycle and cycle parking.

In respect of materials, the plans and 3D visualisations show that the external walls would comprise a mix of granite effect panels, white and light grey render, and curtain walling with vertical fins. Rooftop plant would be enclosed by cladding panels, and a in-set louvre system.

Through consultation with the applicant's agent, additional details of the proposed boundary treatment have been received. They have confirmed that a 1.9 metres high vertically boarded timber fence would be provided on top of a 2.3 metre high retaining feature at the edge of the car park.

## Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?131118>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

## REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the the Planning Development Management Committee because the proposal is being recommended for approval and has been the subject of six of more timeous letters of representation that express objection or concern about the proposal – representing a significant level of opposition to any local development proposal. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

## CONSULTATIONS

**Roads Projects Team** – Following consideration of the Transport Assessment, it is considered that the site has adequate accessibility for cyclists, pedestrians, and is accessible by public transport. While providing 47 spaces, there would be a shortfall of 19 spaces, albeit the site is located at the edge of the inner city zone. Given that no parking was provided for the previous authorised use, this would be an improvement in comparison. Conditions should be attached with regard to the technical access arrangements, and the provision of a Travel Plan.

**Environmental Health** – No objections in principle although a condition should be attached in relation to the restriction of hours of construction.

**Environmental Health (Contaminated Land)** – No objections in principle although conditions relating to the undertaking of a contaminated land assessment, and any necessary remediation, prior to development taking place.

**Enterprise, Planning & Infrastructure (Flooding)** – No observations.

**Community Council** – No comments received.

## REPRESENTATIONS

14 letters of objection have been received in respect of this application. This includes a petition from local residents, a letter from the Aberdeen Boat Club, and a total of 13 individual residents (two being at the same address). The objections raised relate to the following matters:

- 1) The scale of the proposal over-develops the site as the building would be much larger than those around it;
- 2) The building would be out of character with the surrounding area;
- 3) The proposal would generate a significant amount of traffic in an area already straining to cope;
- 4) The proposed office block would create a large need for car parking, with an under-provision on site, in an area with a lack of parking already;
- 5) Potential safety implications in close proximity to the adjacent childrens play park;

- 6) Potential implications on security of garden ground as there would be no formal barrier between the site and adjacent garden ground/business premises;
- 7) Potential gross invasion of privacy and potential implications on daylight/sunlight;
- 8) The design of the offices are inappropriate;
- 9) Crossing the road shall become more problematic as traffic flows increase; and,
- 10) Construction noise is likely to affect adjacent residential property.

Matters raised which are not material planning considerations included:

- How many empty offices does Aberdeen need
- The secluded rear car park could be used for drug dealing
- Overspill parking shall end up using adjacent private car parking
- Adjoining boundary treatments would have to be maintained at the objectors expense
- The proposal shall ruin the view from our garden; and,
- The proposal shall affect property values

## **PLANNING POLICY**

### **National Policy and Guidance**

Scottish Planning Policy (SPP) is the statement of Government Policy on land use planning and includes the Government's core principles for the operation of the planning system and concise planning policies. The general policy statements on: sustainable development; increasing sustainable economic growth; and, the promotion of regeneration and the re-use of previously developed land, are relevant material considerations.

### **Aberdeen City and Shire Structure Plan**

The plans states that the main aims of the plan are to:

- provide a strong framework for investment decisions which help to grow and diversify the regional economy, supported by promoting the need to use resources more efficiently and effectively; and
- take on the urgent challenges of sustainable development and climate change.

To support these main aims, the plan also aims to:

- make sure the area has enough people, homes and jobs to support the level of services and facilities needed to maintain and improve the quality of life;
- protect and improve our valued assets and resources, including the built and natural environment and our cultural heritage;
- help create sustainable mixed communities, and the associated infrastructure, which meet the highest standards of urban and rural design and cater for the needs of the whole population; and
- make the most efficient use of the transport network, reducing the need for people to travel and making sure that walking, cycling and public transport are attractive choices.

One of the objectives relating to Economic Growth outlines that to provide opportunities which encourage economic development and create new employment in a range of areas that are both appropriate for and attractive to the needs of different industries, while at the same time improving the essential strategic infrastructure necessary to allow the economy to grow over the long term.

## **Aberdeen Local Development Plan**

Policy H2 - Mixed Use Areas: states that applications for development or change of use within Mixed Use Area must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity. Where new industrial, business or commercial uses are permitted, development should not adversely affect the amenity of people living and working in the area.

Policy T2 – Managing the Transport Impact of Development: New developments will need to demonstrate that sufficient measures have been taken to minimise the traffic generated. Transport Assessments and Travel Plans will be required for developments which exceed the thresholds set out in the Transport and Accessibility Supplementary Guidance. Planning conditions and/or legal agreements may be imposed to bind the targets set out in the Travel Plan and set the arrangements for monitoring, enforcement and review. Maximum car parking standards are set out in Supplementary Guidance on Transport and Accessibility and detail the standards that different types of development should provide.

Policy D1 – Architecture and Placemaking: To ensure high standards of design, new development must be designed with due consideration for its context and make a positive contribution to its setting. Factors such as siting, scale, massing, colour, materials, orientation, details, the proportions of building elements, together with the spaces around buildings, including streets, squares, open space, landscaping and boundary treatments will be considered in assessing that contribution.

Policy NE6 – Flooding and Drainage: Where more than 10 homes or greater than 100 m<sup>2</sup> floorspace is proposed, the Developer will be required to submit a Drainage Impact Assessment. Surface water drainage associated with development must:

- Be the most appropriate available in terms of SUDS;
- Avoid flooding and pollution both during and after construction.

Policy R2 – Degraded and Contaminated Land: The City Council will require that all land that is degraded or contaminated, including visually, is either restored, reclaimed or remediated to a level suitable for its proposed use. This may involve undertaking site investigations and risk assessments to identify any actual or possible significant risk to public health or safety, or to the environment, including possible pollution of the water environment, that could arise from the proposals.

Policy R7 – Low and Zero Carbon Buildings: All new buildings, in meeting building regulations energy requirements, must install low and zero-carbon generating technology to reduce the predicted carbon dioxide emissions by at least 15% below 2007 standards. This percentage requirement will be increased as specified in Supplementary Guidance. Compliance with this requirement will be demonstrated by the submission of a low carbon development statement. Further guidance is contained in Supplementary Guidance on Low and Zero Carbon Buildings.

## **Supplementary Guidance**

Transport and Accessibility  
Drainage Impact Assessments  
Low and Zero Carbon Buildings

## **Other Material Planning Considerations**

### Aberdeen Harbour Development Framework (January 2012)

The Aberdeen Harbour Development Framework was published in January 2012. Its primary aim is to help plan out the development of the Harbour over the next 20 years, which includes providing a great mix of uses. Within the framework, South Esplanade West is identified in the 'South Dee' area which has an industrial character. It further states that "Our vision for the Esplanades is to use them as the active edges of a new and exciting public space with water its heart. This Riverpark will incorporate a 'One Mile Walk' and will form a core component of the wayfinding / signage and public space strategy". The Framework also indicates the potential development opportunities on South Esplanade West, which should have active frontages to the road/river and that developments will "need to carefully consider its scale, its location and where possible improve upon South Dee's role as a gateway to Torry".

## **EVALUATION**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 (as amended) require that where, in making any determination under the planning acts, regard is to be had to the provisions of the development plan and that determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

### Principle of Office Use

In respect of the policies of the development plan, the application site is located within an area zoned as Mixed Use. As such there is a requirement that any proposed development takes account of existing uses and the wider character of the area, and avoids undue conflict with those land uses and amenity. In this instance, the application site has been vacant for a number of years. This stretch along South Esplanade West has historically comprised a number of different uses, with former fish processing factories, general industrial uses, garages,

together with the Boat Houses linked with rowing on the River Dee, and the proximity to residential property as well. Accordingly, there is not a set or recognisable character in the vicinity of the application site. On the northern side of the River Dee near Palmerston Road, a significant level of regeneration has, and is indeed still taking place, with former fish-houses and processing factories being replaced by office developments associated with the strong economic position that Aberdeen is currently in.

As outlined above, the Aberdeen Harbour Development Framework is also worthy of consideration. While aspirational, its primary aim is to help plan out the development of the Harbour over the next 20 years, and within which South Esplanade West is identified in the 'South Dee' area which has an industrial character. On this basis, and due to the relatively good linkages with the City Centre and the availability of land, it is considered that it is only a matter of time before further opportunities along the south side of the River Dee are brought forward, such as in this instance. Therefore the redevelopment of the site could in itself help activate regeneration along South Esplanade West.

### Design, Scale and Potential Impact on Adjacent Uses

This application marks the first step in respect of redeveloping a vacant site on South Esplanade West, to accommodate business interests for the City. Scottish Planning Policy and the Local Development Plan encourage the use of brownfield land, so long as it is well laid out, and takes account of its surroundings. The existing buildings on site are of no architectural merit, and add very little to the street-scene. In respect of the physical layout on site, the buildings occupy almost all of the site right up to boundaries with the adjacent flatted properties. The only exception is a small yard area, and strip leading up to a garage at the rear of the site. In comparison to what is now proposed, while much larger in scale, four storeys as opposed to two, the 14 metre wide building would be located hard on to the kerb edge at the site frontage.

The overall height of the development to parapet edge would be 16.6 metres, in relation to the overall height of the adjacent tenements being some 11 metres from street level to roof ridge level. In light of the level difference from Menzies Road to South Esplanade West being approximately 6 metres, it is considered that while slightly higher than roof ridge level, the continued rise in topography towards the east and south east, renders that the development can be accommodated onto site without detriment to the wider visual amenity and character of the area.

While some initial concerns were raised over the proposed development, the applicant has provided further justification both in respect of the scale, together with the economics, viability, and desirability of the development. In respect of the relationship with other adjacent sites on South Esplanade West, it is acknowledged that the premise immediately adjacent to the north is only 8.2 metres to roof level. While the proposal would be just over twice this height, the development would not impinge upon the actual operation of the business, as it would occupy part of the same footprint as the existing fish processing factory.

To the south, there would be a 12.2 metre wide gap (containing the access into the proposed car park) between the proposed office building and the adjacent two storey flats which have a height of 8 metres. In light of the orientation of these properties towards the River, and the design composition of the development, it is not considered that there would be any detriment to the privacy of these properties, nor to the daylight/sunlight of their rear gardens, which are already largely over-shadowed by the adjacent tenements on Menzies Road.

While concerns have been raised at such a development by local residents, it is acknowledged that the development of this site may also provide an opportunity for future staff to spend money in the local shops and businesses, thus helping sustain them for the future.

The design has largely been conceived through making the most of opportunities for views out of this irregularly shaped site. Contemporary in nature, the general scale and appearance reflects that of those developments taking place on the northern side of the River Dee, and many other sites across the City. Accordingly, the material choices are considered to be appropriate for this location. Furthermore, the additional elements of glazing to the frontage to the street, and the more restricted rear elevations, would help maintain any privacy concerns from residents of Menzies Road beyond. Notwithstanding, at its nearest point, the building would be approximately 18 metres from the rear wall of flats on Menzies Road, with it increasing to 37 metres further north. While a marked change from the existing buildings, the sustainable re-use and economic benefits of redeveloping this site is deemed to outweigh any particular concerns in respect of slight over-looking, which already takes place between the rear gardens of tenement buildings and the respective communal areas.

Accordingly, it is considered that the proposal is in accordance with the general aims of Policies H2 and D1 of the Local Development Plan.

### Traffic Impacts, Access Arrangements and Car Parking

It is acknowledged that car parking in and around the application site can be at a premium at times. If the existing use provided spaces in accordance with the current car parking standards, it would have required 40 spaces, based on the floor area. However, the existing buildings on site provide no car parking at all.

There are excellent linkages to a number of public transportation services well within the 400m threshold set within SPP. The site also has good connections across the River to the edge of the City Centre which is an 800 metre walk from the application site, while the railway station is a 1.1km walk. The streets surrounding the application site are also well served by bus routes which connect to the City Centre, and beyond. As such, allowances can be given in respect of the level of car parking provided. This can be further mitigated through the provision of a Green Travel Plan for the ultimate occupants of the development to require the promotion of sustainable transportation measures.

In this instance, a total of 47 spaces would be provided on site. While this represents a shortfall of some 19 car parking spaces against the Council's car



parking, that is still a betterment when compared to the overall shortfall relating to the existing authorised use. Furthermore, the use of the offices shall be predominantly during the day, whereas many of the objections received relate to the pressures on residential and recreational parking needs which are more likely to be during evenings and weekends. Notwithstanding, the Roads Officer has not objected to the proposals, and has requested conditions be utilised for a Green Transport Plan, and the technical requirements of the site layout. The proposal is therefore considered to accord with Policy T2 of the Local Development Plan.

### Other Technical Considerations

Following the receipt of responses from statutory consultees, the provision of adequate SUDS can be adequately controlled by the use of a condition. This would be in accordance with the requirements of Policy NE6. Prior to the commencement of development, and in light of the history of uses on site, Contaminated Land Officers have outlined the requirement for the undertaking of a contaminated land assessment, and if necessary the completion of any remediation on site. Again this can be controlled by planning condition, and would be compliant with the requirements of Policy R2 of the Local Development Plan.

### Relevant Planning Matters Raised in Written Representations

In respect of the matters raised in representations which have not already been considered above, it is not considered that the extent the proposed development would over-shadow the garden ground of the flatted properties on Menzies Road would warrant the refusal of this application. This is due to the development being located to the west, and north of the properties, and in light of the movement of the sun, it is not considered that the extent at which some overshadowing would take place, would be excessive.

While larger than the scale of adjacent development, as noted above, the Esplanades are expected to morph over the next twenty years. In general, there is an expectancy that redevelopment sites shall utilise sites in a sustainable fashion particularly where they have good linkages to the transportation network, and therefore greater densities shall be used. Due to the aforementioned topography rising behind, it is not considered that the proposed development would necessarily be out of character with the area. In respect of the proximity to the Children's playpark, no road safety concerns have been raised by Roads Officers, and they do not object to the proposals.

The potential concerns over security has been resolved following the provision of additional information relating to the retaining feature, and associated boundary fence along the rear of the development.

A condition restricting the hours of construction, has been suggested by Environmental Health Officers. This is considered appropriate in this instance due to the close relationship between the residential flats on Menzies Road and

South Esplanade West, and the specific concerns raised through representations.

### Summary

There is no doubt, that this vacated business premise within the urban area, represents a brownfield opportunity. The success of any proposal therefore falls to be assessed on the policies of the development plan, and any other material considerations.

In this instance, while perhaps slightly greater in scale than would generally be desired, and with less car parking than required through the Council's standards, as noted above, the site is considered well placed in relation to the city centre and public transportation.

The economic success of Aberdeen, and continued demand for quality office accommodation has shown in recent times seen that areas traditionally used for established industries which have sadly declined, have been redeveloped to accommodate the needs of modern day business. The stretch of the River Dee along South Esplanade West is likely to be latest area to undergo such change. The sites on the northern side of the River are evidence of this.

The design of the development is considered to be appropriate both in respect of the building itself, and its wider relationship to adjacent property. Overall it has a horizontal emphasis, with the length along South Esplanade West being approximately 3 times the height of the building. As such, this shall help integrate the proposed development into the streetscene, which shall adapt substantially in years to come.

Accordingly, it is considered that the proposal is in compliance with the aforementioned policy principles of the Local Development Plan, and should therefore be approved.

### **RECOMMENDATION**

#### **Approve subject to conditions**

- 1) that no development shall take place unless it is carried out in full accordance with a scheme to deal with contamination on the site that has been approved in writing by the planning authority.

The scheme shall follow the procedures outlined in Planning Advice Note 33 Development of Contaminated Land and shall be conducted by a suitably qualified person in accordance with best practice as detailed in BS10175 Investigation of Potentially Contaminated Sites - Code of Practice and other best practice guidance and shall include:

1. an investigation to determine the nature and extent of contamination,
2. a site-specific risk assessment,
3. a remediation plan to address any significant risks and ensure the site is fit for the use proposed.

No building(s) on the development site shall be occupied unless

1. any long term monitoring and reporting that may be required by the approved scheme of contamination or remediation plan or that otherwise has been required in writing by the planning authority is being undertaken and
2. a report specifically relating to the building(s) has been submitted and approved in writing by the planning authority that verifies that remedial works to fully address contamination issues related to the building(s) have been carried out, unless the planning authority has given written consent for a variation.

The final building on the application site shall not be occupied unless a report has been submitted and approved in writing by the planning that verifies that completion of the remedial works for the entire application site, unless the planning authority has given written consent for a variation.

- reason: in order to ensure that the site is fit for human occupation

- 2) that, except as the Planning Authority may otherwise agree in writing, no construction or demolition work shall take place:
  - (a) outwith the hours of 7.00 am to 7.00 pm Mondays to Fridays;
  - (b) outwith the hours of 9.00 am to 4.00 pm Saturdays; or
  - (c) at any time on Sundays,except (on all days) for works inaudible outwith the application site boundary. [For the avoidance of doubt, this would generally allow internal finishing work, but not the use of machinery] - in the interests of residential amenity.
- 3) that the development hereby approved shall not be occupied unless the car parking areas hereby granted planning permission have been constructed, drained, laid-out and demarcated in accordance with drawing No. PL(20)012 Rev C of the plans hereby approved or such other drawing as may subsequently be submitted and approved in writing by the planning authority. Such areas shall not thereafter be used for any other purpose other than the purpose of the parking of cars ancillary to the development and use thereby granted approval - in the interests of public safety and the free flow of traffic.
- 4) that the development hereby granted planning permission shall not be occupied unless all drainage works detailed on Plan No B9308 - 101 or such other plan as may subsequently be approved in writing by the planning authority for the purpose have been installed in complete accordance with the said plan - in order to safeguard water qualities in adjacent watercourses and to ensure that the proposed development can be adequately drained.
- 5) That none of the units hereby granted planning permission shall be occupied unless the cycle storage and motorcycle parking facilities as shown on drawing no. PL(20)012 Rev C have been provided - in the interests of encouraging more sustainable modes of travel.

- 6) That no development shall take place unless there has been submitted to and approved in writing a detailed Green Transport Plan, which outlines sustainable measures to deter the use of the private car, in particular single occupant trips and provides detailed monitoring arrangements, modal split targets and associated penalties for not meeting targets - in order to encourage more sustainable forms of travel to the development.
- 7) That no other development in connection with the permission hereby approved shall take place and the access hereby approved shall not be brought into use unless visibility of 60 metres in both directions along the public road has been provided from a point 2.4 metres measured at right angles from the existing carriageway surface along the centre line of the approved access. Once formed, the visibility splays shall be permanently retained thereafter and no visual obstruction of any kind shall be permitted between 0.26m and 1.05m above carriageway level within the visibility splays so formed – To enable drivers of vehicles using the access to have a clear view of other road users and pedestrians in the interests of road safety.
- 8) that the building hereby approved shall not be occupied unless a scheme detailing compliance with the Council's 'Low and Zero Carbon Buildings' supplementary guidance has been submitted to and approved in writing by the planning authority, and any recommended measures specified within that scheme for the reduction of carbon emissions have been implemented in full - to ensure that this development complies with requirements for reductions in carbon emissions specified in the City Council's relevant published Supplementary Guidance document, 'Low and Zero Carbon Buildings'.
- 9) that no part of the development hereby approved shall be occupied unless the site and plot boundary enclosures for the entire development hereby granted planning permission have been implemented in their entirety - in order to preserve the amenity of the neighbourhood.

## **REASONS FOR RECOMMENDATION**

That the proposal to redevelop the site and construct a four storey office development is considered to compliment the area which contains a mix of uses without detriment to the amenity of adjacent residential properties, nor the character of the wider area. While there is a slight shortfall in parking, the proposal has good linkages to the public transport network. The proposal is therefore considered to be in compliance with policies H2 Mixed Use Areas, T2 Managing the Transport Impact of Development, and D1 Architecture and Placemaking of the Aberdeen Local Development Plan.

**Dr Margaret Bochel**

Head of Planning and Sustainable Development.